

REMARKS

New claims 13-15 were added, therefore claims 7-11 and 13-15 are pending in the present application. In view of the following explanation, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

I. Claim Rejection under 35 U.S.C. §102(b)

Claims 7 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,731,023 (“Rothleitner”). For at least the following reasons, the rejection of the presently pending claims 7 and 10 should be withdrawn.

In order to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter of the claims. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'l. 1990). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic. Accordingly, it is respectfully submitted that any anticipation rejection premised on the inherency doctrine is not sustainable absent the foregoing conditions.

To the extent the Examiner contends in support of the rejection of claim 7 that element 56 of Rothleitner discloses a current source that is connected to a voltage regulator, Applicants disagree with this assertion. Reference item 56 in Rothleitner specifically refers to an inductor and not a current source. (See Rothleitner, Col. 5, lines 19-20). An inductor is a passive element used for the storage of energy within a circuit, specifically in a magnetic

field generated by a current passing through the inductor, but an inductor is not a current source itself. An inductor does not deliver or pull current like a current source, nor does it actually share any properties or similarities with a current source. Typical current sources (i.e. non-ideal current sources) may be formed from, for example, an arrangement of multiple transistors. Therefore, the presence of an inductor does not disclose or suggest a current source, and the Rothleitner reference does not disclose this feature.

Independent of the above, to the extent the Examiner asserts that Rothleitner discloses a voltage regulator 80 connected to at least one ignition power module (alleged to be taught by element 12, which is labeled “restraint control module”), Applicants note that the voltage regulator 80 is clearly not directly connected to the power module, as recited in amended claim 7. Comparing the circuit diagrams of Figs 1, 2 and 3, it is readily apparent that the voltage regulator 80 shown in Fig. 3 of Rothleitner is part of the backup power supply control and driver circuit 24 shown in Figs. 1 and 2. In addition, Fig. 1 clearly illustrates that the backup power supply control and driver circuit 24 is not directly connected to the restraint control module 12. Furthermore, “restraint control module” 12 of Rothleitner is clearly not an “ignition power module” as recited in claim 7. In addition, in contrast to the Examiner’s contention, the sections of Rothleitner cited by the Examiner (col. 6, l. 15 and 30-35) do not suggest that the voltage regulator 80 sets the voltage at the restraint control module 12 (the Examiner’s alleged equivalent to the claimed “ignition power module”).

For at least the foregoing reasons, claim 7 and its dependent claim 10 are allowable over Rothleitner, and the anticipation rejection should be withdrawn.

II. Claim Rejections under 35 U.S.C. §103(a)

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothleitner in view of U.S. Patent No. 5,845,729 (“Smith”). Claim 9 was rejected as being unpatentable over Rothleitner in view of Smith and in further view of U.S. Patent No. 5,459,449 (“Ravas”). Claim 11 was rejected as being unpatentable over Rothleitner in view of Ravas. Applicants respectfully submit that these rejections should be reversed for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). To establish a *prima facie* case of obviousness, the Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). In addition, all the teachings of the prior art must be considered, including those which teach away from the claimed invention. (See MPEP 2143.01.II). To the extent that the Examiner may be relying on the doctrine of inherent disclosure to support the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claims 8, 9, and 11 ultimately depend on claim 7. As noted above, Rothleitner fails to anticipate parent claim 7. In addition, the Smith and Ravas references, either individually or collectively, fail to cure -- and are not asserted to cure -- the critical deficiencies of the primary Rothleitner reference as applied against parent claim 7. Therefore, dependent claims 8, 9, and 11 are allowable over the applied references.

III. New Claims

New claims 13-15 do not add any new matter and are supported by the present application. Claims 13-15 ultimately depend on claim 7, and therefore claims 13-15 are allowable by virtue of their dependence on allowable claim 7.

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CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 7-11 and 13-15 are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,



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By: JOHN LEE for Gerard Messina

Gerard A. Messina
(Reg. No. 35,952)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
Customer No. 26646